

## APPLYING FOR AN INDIVIDUAL LICENSE

In most cases, your encryption item will be eligible for export under a license exception, so you should carefully review the encryption policy in Section 740.17 and 742.15 of the Export Administration Regulations (EAR) before you submit a license application. If your product and/or end-user do not qualify for a license exception or an encryption licensing arrangement, you must request an individual export license for your transaction. These license applications are reviewed on a case-by-case basis. This guidance is designed to help you in applying to export certain encryption items not eligible for a license exception or encryption licensing arrangement (including exports to government end-users of items that do not meet the "retail" definition in Section 740.17(a)(4), technology transfers to non-U.S. subsidiaries or exports of items that contain an open cryptographic interface), and should only be used in conjunction with the relevant portions of the Export Administration Regulations (EAR) .

### **Step 1: Read the relevant portions of the Export Administration Regulations (EAR).**

You should first review Section 742.15 and Part 748 of the EAR. Section 742.15 describes the licensing policy for encryption items. Part 748 provides general guidance on applying for an export license.

### **Step 2: Obtain BXA Form 748P**

This is the multipurpose application form you use to apply for a license. Since it is a multipart form, it is not available for downloading from the Web. However, you can request the form from BXA's homepage or by calling the Exporter Counseling Division at (202) 482-4811. In addition, instead of submitting a paper application form, you may apply over the internet using BXA's Simplified Network Application Process (SNAP).

If you will be exporting to more than one end-user, you must also obtain BXA Form 748P-B, and follow the instructions for Block 19 for each additional end-user. If you will be exporting more than one item, you must also obtain BXA Form 748P-A, which is an item appendix, and follow the instructions for Block 22 for each additional item. Follow the instructions on SNAP to add items or end-users electronically.

### **Step 3: Fill in the BXA-748P form.**

The form must be typed. For each block of the form, follow the instructions in Supplement 1 to Part 748 for license applications. When applying for an individual license, you may also follow the additional instructions below.

<b>Block</b>	<b>Instruction</b>
5	mark the export or reexport box. This is extremely important. <b>DO NOT</b> mark classification request. If you do, the application will be returned to you.

- 18 this block **MAY NOT** be left blank. Follow the instructions that came with the application form.
- 19 follow the instructions that came with the application form for this block.
- 21 describe the intended end use of the encryption item(s).
- 22(a) The ECCN for encryption hardware is 5A002. The ECCN for encryption software is 5D002. The ECCN for encryption technology is 5E002.
- 22(j) provide a brief technical description including the basic purpose of the item and the type of encryption used in the software (e.g., 128-bit RC4 for secure e-mail, 2048 RSA for key exchange). Please **DO NOT** type 'see letter of explanation' or 'see brochure'. The information identified in this block is entered directly into the BXA computer system, and will be printed on the license issued by BXA. A brief technical description is essential.
- 24 identify, by license number, any previous licenses received for the same or similar encryption item.

All other blocks or block portions appropriate for license applications should be completed in accordance with Part 748 of the EAR.

#### **Step 4: Include supporting documents**

Supporting documents, such as technical specifications, should accompany the completed BXA 748P form. The supporting documents should include information about the encryption used, including the name and key length of the algorithm(s) in the product. In addition, you should include relevant information about the end-user(s). To expedite the processing of your application, you may include a letter of explanation which summarizes your proposed transaction.

#### **Step 5: Submit the application to BXA**

Please submit the original BXA Form 748P, 748P-A (if applicable), 748P-B (if applicable), and supporting documents, in accordance with Part 748 of the EAR, to the following address:

**Bureau of Export Administration  
U.S. Department of Commerce  
14th Street and Pennsylvania Avenue, N.W.  
Room 2705,  
Washington, D.C. 20444,  
Attn: "Application Enclosed"**

BXA will not accept applications sent C.O.D. If you submit the forms electronically, either through SNAP or ELAIN, please fax the supporting documents to BXA (fax number:

202-501-0784), or send them to the U.S. Department of Commerce, Bureau of Export Administration, Information Technology Controls Division, Room 2625, 14th & Pennsylvania Ave., N.W., Washington, D.C. 20230.